

Senate File 2345 - Introduced

SENATE FILE 2345
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3094)

A BILL FOR

1 An Act relating to judicial branch administration, child
2 custody and visitation matters.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.4, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. The court may enter any temporary order it deems
4 necessary to protect the plaintiff from domestic abuse prior to
5 the hearing, including temporary custody or visitation orders
6 pursuant to subsection 2A, upon good cause shown in an ex parte
7 proceeding. Present danger of domestic abuse to the plaintiff
8 constitutes good cause for purposes of this subsection.

9 Sec. 2. Section 236.4, Code 2009, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 2A. The court may award temporary custody
12 of or establish temporary visitation rights with regard to
13 children under eighteen years of age. In awarding temporary
14 custody or temporary visitation rights, the court shall give
15 primary consideration to the safety of the alleged victim
16 and the children. If the court finds that the safety of
17 the alleged victim or the children will be jeopardized by
18 unsupervised or unrestricted visitation, the court shall set
19 conditions or restrict visitation as to time, place, duration,
20 or supervision, or deny visitation entirely, as needed to guard
21 the safety of the victim and the children. The court shall
22 also determine whether any other existing orders awarding
23 custody or visitation should be modified.

24 Sec. 3. Section 236.4, subsection 3, Code 2009, is amended
25 to read as follows:

26 3. If a hearing is continued, the court may make or extend
27 any temporary order under subsection 2 or 2A that it deems
28 necessary.

29 Sec. 4. Section 236.4, Code 2009, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5A. Prior to the entry of a temporary order
32 under this section that involves a child-custody determination
33 as defined in section 598B.102, the plaintiff shall furnish
34 information to the court in compliance with section 598B.209.

35 Sec. 5. Section 236.5, subsection 1, paragraph b,

1 subparagraph (4), subparagraph division (c), Code Supplement
2 2009, is amended to read as follows:

3 (c) The court shall also ~~investigate~~ determine
4 whether any other existing orders awarding custody or
5 visitation rights should be modified.

6 Sec. 6. Section 236.5, subsection 1, paragraph b,
7 subparagraph (4), Code Supplement 2009, is amended by adding
8 the following new subparagraph division:

9 NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of an order
10 or agreement under this section that involves a child-custody
11 determination as defined in section 598B.102, the parties shall
12 furnish information to the court in compliance with section
13 598B.209.

14 Sec. 7. Section 598.15, subsection 1, Code 2009, is amended
15 to read as follows:

16 1. The ~~court shall order~~ the parties to any action
17 which involves the issues of child custody or visitation
18 ~~to~~ shall participate in a court-approved course to educate
19 and sensitize the parties to the needs of any child or party
20 during and subsequent to the proceeding within forty-five
21 days of the service of notice and petition for the action
22 or within forty-five days of the service of notice and
23 application for modification of an order. Participation in the
24 course may be waived or delayed by the court for good cause
25 including, but not limited to, a default by any of the parties
26 or a showing that the parties have previously participated in a
27 court-approved course or its equivalent. Participation in the
28 course is not required if the proceeding involves termination
29 of parental rights of any of the parties. A final decree shall
30 not be granted or a final order shall not be entered until the
31 parties have complied with this section, unless participation
32 in the course is waived or delayed for good cause or is
33 otherwise not required under this subsection.

34 Sec. 8. Section 602.3101, subsection 2, Code 2009, is
35 amended to read as follows:

1 2. ~~The state court administrator or a designee of the~~
2 ~~state court administrator~~ supreme court shall act as appoint
3 the administrator ~~to~~ of the board.

4 Sec. 9. Section 602.8105, subsection 1, Code Supplement
5 2009, is amended by adding the following new paragraph:

6 ~~NEW PARAGRAPH.~~ j. For filing a tribal judgment, one hundred
7 dollars.

8 Sec. 10. Section 602.10108, Code 2009, is amended to read
9 as follows:

10 **602.10108 Fees.**

11 1. The ~~board~~ supreme court shall set the fees for
12 examination and for admission. The fees for examination
13 shall be based upon the annual cost of administering the
14 examinations. The fees for admission shall be based upon the
15 costs of conducting an investigation of the applicant and the
16 administrative costs of sustaining the board, ~~which shall~~
17 ~~include but shall not be limited to:~~

18 ~~1. Expenses and travel for board members and temporary~~
19 ~~examiners.~~

20 ~~2. Office facilities, supplies, and equipment.~~

21 ~~3. Clerical assistance.~~

22 2. Fees shall be collected by the board and transmitted
23 to the treasurer of state who shall deposit the fees in the
24 general fund of the state.

25 Sec. 11. Section 607A.8, subsection 2, Code 2009, is amended
26 to read as follows:

27 2. A grand juror and a petit juror in all courts shall
28 receive reimbursement for mileage expenses at the rate
29 ~~specified in section 602.1509~~ by the supreme court for each
30 mile traveled each day to and from the residence of the juror
31 to the place of service or attendance, and shall receive
32 reimbursement for actual expenses of parking, as determined by
33 the clerk of the district court. A juror who is a person with a
34 disability may receive reimbursement for the costs of alternate
35 transportation from the residence of the juror to the place of

1 service or attendance. A juror shall not receive reimbursement
2 for mileage expenses or actual expenses of parking when the
3 juror travels in a vehicle for which another juror is receiving
4 reimbursement for mileage and parking expenses.

5 Sec. 12. Section 626D.3, Code 2009, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 4. The clerk of the district court shall
8 collect a fee as provided in section 602.8105, subsection 1,
9 for filing a tribal judgment.

10

EXPLANATION

11 This bill relates to the administration of the judicial
12 branch, and child custody and visitation matters.

13 The bill provides that the court may enter temporary custody
14 and visitation orders prior to a hearing to determine whether
15 domestic abuse has occurred under Code chapter 236. In
16 awarding temporary custody and visitation under the bill, the
17 court shall give primary consideration to the safety of the
18 alleged victim and the children.

19 The bill requires that prior to the issuance of a temporary
20 order that involves a child-custody determination under Code
21 chapter 236 (domestic abuse), child custody information must be
22 provided to the court that complies with Code section 598B.209.
23 The information to be provided under Code section 598B.209
24 includes but is not limited to the child's present address
25 or whereabouts, the places where the child has lived during
26 the last five years, the names and present addresses of the
27 persons with whom the child has lived during that period, and
28 any other legal proceedings that could affect the child-custody
29 determination.

30 The bill requires each party to an action which involves
31 the custody of a child or visitation to participate in a
32 court-approved course to educate and sensitize the parties to
33 the needs of any child involved in the custody or visitation
34 action. Current law requires the court to order the parties
35 to attend such a course.

1 The bill requires the supreme court to appoint the
2 administrator of the board of examiners of shorthand reporters.
3 Current law provides that the state court administrator or
4 a designee of the state court administrator shall act as
5 administer of the board.

6 The bill transfers the authority to set fees for examination
7 and admission to practice law in Iowa from the board of law
8 examiners to the supreme court.

9 The bill separates the authority of the supreme court to
10 establish the mileage reimbursement rate for jurors from
11 the authority of the supreme court to establish the mileage
12 reimbursement rate for witnesses, judicial officers, and court
13 employees. Currently, the mileage reimbursement rate for
14 jurors, witnesses, judicial officers, and court employees is
15 established under the authority of the supreme court pursuant
16 to one provision in Code section 602.1509.

17 The bill sets the fee for filing a tribal judgment with the
18 clerk of the district court at \$100. The distribution of court
19 fees collected by the clerk of the district court is governed
20 by Code section 602.8108. Current law does not establish a
21 filing fee for a tribal judgment.